

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KATHLEEN VALENTINI, VALERIO
VALENTINI, and VALERIO VALENTINI on
behalf of his minor son M. V.,

Plaintiffs,

- against -

GROUP HEALTH INCORPORATED, EMBLEM
HEALTH, INC., CARECORE NATIONAL LLC
d/b/a EVICORE, and JOHN DOES 1 AND 2,

Defendants.

No. 20 Civ. 9526 (JPC)

MOTION FOR SUBSTITUTION OF PARTY UNDER FED. R. CIV. P. 25(a)

Valerio Valentini, by and through counsel, Pollock Cohen LLP and Merson Law PLLC, and pursuant to Fed. R. Civ. P. 25(a), moves to substitute Estate of Kathleen Valentini, Valerio Valentini as Administrator, as a named party in place of Kathleen Valentini. In support of this motion, plaintiff states as follows:

1. At the time this suit was filed, Kathleen Valentini was a Plaintiff in this action, the wife of Plaintiff Valerio Valentini, and the mother of minor M.V.
2. On November 1, 2020, Kathleen Valentini died.
3. On January 25, 2021, Valerio Valentini received Letters of Administration in the matter of the estate of Kathleen Valentini, from the State of North Carolina, where both Kathleen and Valerio lived at the time of her death. (EXHIBIT A).
4. Under Fed. R. Civ. P. 25(a)(1), “*Substitution if the Claim Is Not Extinguished*. If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A

motion for substitution may be made by any party or by the decedent's successor or representative.”

5. Given that Plaintiff Kathleen Valentini died and her husband, Co-plaintiff Valerio Valentini was duly appointed Administrator of her estate with all rights to receive and administer assets belonging to the estate, Plaintiff Valerio Valentini respectfully requests that this Court enter an order of substitution pursuant to Fed. R. Civ. P. 25(a)(1) substituting the Estate of Kathleen Valentini, Valerio Valentini as Administrator as Plaintiff representing the estate Kathleen Valentini.

WHEREFORE, for each and all of the foregoing reasons, plaintiff requests that an order of substitution be entered substituting Estate of Kathleen Valentini, Valerio Valentini as administrator as a party Plaintiff in lieu of his deceased wife Kathleen as an original Plaintiff.

It is hereby ORDERED that Plaintiff's motion to substitute is GRANTED. The Clerk of the Court is respectfully directed to terminate Kathleen Valentini from the docket and add the Estate of Kathleen Valentini, Valerio Valentini as Administrator as a Plaintiff.

Respectfully submitted,

SO ORDERED.

Date: February 2, 2021
New York, New York



JOHN P. CRONAN
United States District Judge

By: /s/ Steve Cohen
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MERSON LAW PLLC

By: /s/ Jordan Merson
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Counsel for Plaintiffs

Exhibit A

STATE OF NORTH CAROLINA

File No.

21E95

UNION

County

In The General Court Of Justice
Superior Court Division
Before the Clerk**IN THE MATTER OF THE ESTATE OF:**

Name

KATHLEEN ELIZABETH VALENTINI

LETTERS

ADMINISTRATION

G.S. 28A-6-1; 28A-6-3; 28A-11-1; 36C-2-209

The Court in the exercise of its jurisdiction of the probate of wills and the administration of estates, and upon application of the fiduciary, has adjudged legally sufficient the qualification of the fiduciary named below and orders that Letters be issued in the above estate.

The fiduciary is fully authorized by the laws of North Carolina to receive and administer all of the assets belonging to the estate, and these Letters are issued to attest to that authority and to certify that it is now in full force and effect.

Witness my hand and the Seal of the Superior Court.

Name And Address Of Fiduciary 1

Valerio Valentini
4019 Deep river Way
Waxhaw, NC 28173

Date Of Qualification

01/25/2021

Clerk Of Superior Court

J. R. Rowell

Title Of Fiduciary 1

EX OFFICIO JUDGE OF PROBATE

Name And Address Of Fiduciary 2

Date Of Issuance

01/25/2021

Signature

Title Of Fiduciary 2



Deputy CSC



Assistant CSC



Clerk Of Superior Court

SEAL

NOTE: This letter is not valid without the official seal of the Clerk of Superior Court.